

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MANITOWOC CRANES LLC,

Plaintiffs,

v.

Case No. 15-C-647

SANY AMERICA INC. AND SANY HEAVY
INDUSTRY CO. LTD.,

Defendants.

ORDER

The Complaint in the above matter alleges subject-matter jurisdiction based upon 28 U.S.C. § 1332. More specifically, the complaint alleges that Plaintiff “is a Wisconsin limited liability company with its headquarters at 2401 South 30th Street, Manitowoc, WI 54221-0070.” (ECF No. 1 ¶ 1.) This allegation fails to inform the court or other parties of the state or states from which Plaintiff is a citizen. The Seventh Circuit has held that limited liability companies are citizens of every state of which any member is a citizen. *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 692 (7th Cir. 2003). The same is true of other unincorporated business entities. *SHR Ltd. Partnership v. Braun*, 888 F.2d 455 (6th Cir. 1989). The Complaint here fails to provide sufficient information and, thus, the allegations are insufficient to confer jurisdiction on the Court.

Based upon the foregoing, the complaint is dismissed for failure to allege subject matter jurisdiction. The dismissal, however, is without prejudice, and Plaintiff may file an amended complaint within the next thirty days if they are able to remedy the defects. As plaintiff is an LLC, it should have sufficient information regarding its members. However, since members of

unincorporated business entities are often not identified in public filings, Plaintiff may not know with certainty who a given defendant's members are and of what states they are citizens. Allegations on information and belief are sufficient in such cases, if it appears likely that none are citizens of same state as the plaintiff, until the underlying facts can be ascertained in discovery.

SO ORDERED this 30th day of May, 2015.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court